



## COUNTY OF LOS ANGELES

### FIRE DEPARTMENT

1320 NORTH EASTERN AVENUE  
LOS ANGELES, CALIFORNIA 90063-3294  
(323) 881-2401

DARYL L. OSBY  
FIRE CHIEF  
FORESTER & FIRE WARDEN

December 09, 2014

The Honorable Board of Supervisors  
County of Los Angeles  
383 Kenneth Hahn Hall of Administration  
500 West Temple Street  
Los Angeles, California 90012

Dear Supervisors:

# ADOPTED

BOARD OF SUPERVISORS  
COUNTY OF LOS ANGELES

36 December 9, 2014

  
PATRICK OGAWA  
ACTING EXECUTIVE OFFICER

**AMENDMENT NUMBER TWO TO THE AGREEMENT FOR SERVICES  
BETWEEN THE CONSOLIDATED FIRE PROTECTION DISTRICT  
OF LOS ANGELES COUNTY AND THE CITY OF LA HABRA  
(ORANGE COUNTY) (4th DISTRICT) (3 VOTES)**

### SUBJECT

The Consolidated Fire Protection District of Los Angeles County (Fire District) is requesting approval of Amendment Number Two to the Agreement for Services between the City of La Habra (City) and the Fire District which would extend the existing Agreement term for an additional ten (10) years, reset the City's annual fee limitation cap to four percent (4%) for the first five (5) years of the amendment term, and allow for electronic filing of environmental documents.

**IT IS RECOMMENDED THAT THE BOARD ACTING AS THE GOVERNING BODY OF THE  
CONSOLIDATED FIRE PROTECTION DISTRICT OF LOS ANGELES COUNTY:**

- 1) Find that this Amendment Number Two to the Agreement for Services by and between the Fire District and the City of La Habra is exempt from the California Environmental Quality Act; and
- 2) Approve and instruct the Chairman to sign the Amendment Number Two to the Agreement for Services between the Fire District and the City extending the Agreement term for an additional ten years, reset the annual fee limitation cap to 4% for the first five years of the amendment term, and allow for electronic filing of environmental documents.

### PURPOSE/JUSTIFICATION OF RECOMMENDED ACTION

The Fire District provides fire protection and emergency medical services to the City of La Habra pursuant to an Agreement for Services (Agreement No. 75188 dated February 8, 2005), as amended on April 4, 2006. The Agreement is effective until it is terminated or renegotiated, however, the City has requested the Agreement for Services be amended to formally extend its term for an additional ten years.

The Agreement for Services provides a limitation on increases in the amount of the City's annual fee each year (payment cap). For the initial five year agreement period, the payment cap was four percent (4%). Beginning in the sixth year, the payment cap is adjusted based on the average of the preceding years' percentage increases in the annual fee plus one percent (1%). The City's current payment cap has been adjusted to 3.72%. This Amendment Number Two would reset the payment cap at four percent (4%) for the first five years, and would include the same provisions for subsequent years' adjustments. Any amount in excess of the payment cap will be paid by the City in any subsequent years in which the City's annual fee payment increase in that fiscal year is less than the payment cap for that year.

Additionally, among the services provided by the Fire District to the City under the Agreement for Services is environmental review of proposed projects in the City. In order to help expedite the Fire District's review process of these documents, the Agreement Amendment would allow for the City to electronically file environmental documents with the Fire District for review and approval.

### **Implementation of Strategic Plan Goals**

Authorization of Amendment Number Two is consistent with Los Angeles County Strategic Plan Goal No.1, Operational Effectiveness, to maximize the effectiveness of the County's processes, structure, and operations to support timely delivery of customer-oriented and efficient public services.

### **FISCAL IMPACT/FINANCING**

The Amendment Number Two to the Agreement for Services extends the Agreement term and addresses other ministerial provisions of the Agreement for Service. There will be no net impact to County cost.

### **FACTS AND PROVISIONS/LEGAL REQUIREMENTS**

The Agreement for Services was approved by your Board on February 8, 2005 (Agreement No. 75188), and was subsequently amended on April 4, 2006.

This Amendment Number Two would become effective on February 8, 2015 and makes the following modifications to the Agreement for Services:

- Provides for a ten-year term extension which will automatically renew each year thereafter. Either party may terminate subsequent to the fifth year of the extended term with one year's written notice or upon 180 days' written notice after the completion of the ten-year term.
- The annual fee limitation cap would be reset to 4% for the first five years of the amendment term and thereafter be subject to the existing provisions for adjustments in the fee cap for subsequent years.
- Allows for electronic filing of environmental documents by the City to the Fire District for review

and approval.

The La Habra City Council approved this Amendment Number Two on October 20, 2014.

County Counsel has approved Amendment Number Two as to form.

### **ENVIRONMENTAL DOCUMENTATION**

This project is statutorily exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15061 (b)(3) of the CEQA Guidelines as it addresses incidental matters related to the provision of services, and thus it can be seen with certainty that there is no possibility that the activity may have a significant effect on the environment.

### **IMPACT ON CURRENT SERVICES (OR PROJECTS)**

The turnaround time for the Fire District's review of environmental documents will be shortened due to the electronic filing by the City of the pertinent documents thereby helping to expedite services provided to the City. There will be no other impacts on services.

### **CONCLUSION**

Upon adoption by your Honorable Board, please instruct the Executive Officer, Clerk of the Board to return two (2) copies of this approved letter, two (2) executed originals of Amendment Number Two, and two (2) copies of the executed Amendment Number Two to:

Consolidated Fire Protection District of Los Angeles County  
Attention: Lorraine Buck, Planning Division  
1320 N. Eastern Avenue  
Los Angeles, CA 90063

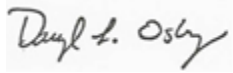
The Fire District will return two executed originals to the City for their records.

The Honorable Board of Supervisors

12/9/2014

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Respectfully submitted,

A handwritten signature in black ink, reading "Daryl L. Osby". The signature is written in a cursive, flowing style.

DARYL L. OSBY

FIRE CHIEF, FORESTER & FIRE WARDEN

DLO:kc

Enclosures

c: Chief Executive Officer  
County Counsel  
Auditor-Controller

1                   **AMENDMENT NUMBER TWO TO THE AGREEMENT FOR SERVICES**  
2                               **BETWEEN THE CITY OF LA HABRA AND THE**  
3                   **CONSOLIDATED FIRE PROTECTION DISTRICT OF LOS ANGELES COUNTY**

4  
5           This Amendment Number Two to the Agreement for Services, County of Los Angeles  
6 Board of Supervisors' Agreement No. 75188 ("Agreement"), entered into on February 8, 2005,  
7 between the City of La Habra ("CITY") and the Consolidated Fire Protection District  
8 of Los Angeles County ("DISTRICT"), is made and entered into this 9<sup>th</sup> day of December,  
9 2014, by and between the CITY and DISTRICT.

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11                               **W I T N E S S E T H**

12           **WHEREAS**, the CITY and the DISTRICT entered into the above-referenced Agreement  
13 pursuant to which the DISTRICT provides to the CITY fire protection, hazardous materials,  
14 emergency medical, and all related services, including dispatching, as authorized by Government  
15 Code Section 54981 and Health and Safety Code Section 13800 et. seq; and

16           **WHEREAS**, the Agreement was amended on April 4, 2006 to modify certain provisions of  
17 the Agreement in regards to ambulance supplies, refueling, and landscape maintenance; and

18           **WHEREAS**, the CITY and the DISTRICT mutually desire to further amend the Agreement  
19 to extend the term of the Agreement for a minimum of ten (10) years in accordance with the  
20 terms provided herein (hereinafter the Agreement, as amended, and this Amendment Number  
21 Two shall be collectively referred to as the "AGREEMENT FOR SERVICES").

22           **NOW, THEREFORE, IN CONSIDERATION** of the promises, covenants, representations,  
23 and agreements set forth herein, the parties mutually agree as follows:

24   **I.   EXTENSION AND TERMINATION OF AGREEMENT**

- 25           A. The Agreement and all amendments shall be extended for an additional ten (10) year  
26 period commencing and effective February 8, 2015. Subsequent to the completion of  
27 the fifth (5<sup>th</sup>) year of the extended ten-year term, DISTRICT or CITY may terminate this  
28 AGREEMENT FOR SERVICES by giving at least one year's written notice to the other.

1 After the extended 10-year term of this AGREEMENT FOR SERVICES, either party  
2 may terminate the AGREEMENT FOR SERVICES upon 180 days' prior written notice  
3 to the other. If neither party gives the required notice to terminate, the AGREEMENT  
4 FOR SERVICES shall automatically renew each year and thereafter, subject to either  
5 party's right to terminate with 180 days' notice.

- 6 B. If either party desires to renegotiate the AGREEMENT FOR SERVICES, either party  
7 shall give written notice to the other party at any time after the expiration of the  
8 extended 10-year term of this AGREEMENT FOR SERVICES. Both parties shall act in  
9 good faith and fair dealing to renegotiate the terms and to cost-effectively control the  
10 costs of the CITY's annual fee paid to DISTRICT taking into account all circumstances  
11 at that time as mutually agreed to by both parties.

12 **II. ANNUAL FEE LIMITATION**

13 **Section III (D), ANNUAL FEE FOR SERVICES**, is amended to read as follows:

14 A limitation shall be placed on increases in the amount of actual Annual Fee to  
15 be paid by the City each year, hereafter to as "Annual Fee Limitation." During  
16 the initial five-year period of this extended ten-year term, the Annual Fee  
17 Limitation shall not exceed four percent (4%) per fiscal year. During the sixth  
18 year of the extended ten-year term, the Annual Fee Limitation shall be the  
19 average of the immediately preceding four years' percentage increases in the  
20 Actual Annual Fee plus one percent (1%). During the seventh year of this  
21 agreement and each subsequent fiscal year, the Annual Fee Limitation shall be  
22 the average of the immediately preceding five years' percentage increases in the  
23 actual Annual Fee plus one percent (1%).

24 **III. SERVICES**

25 **Section II, SERVICES**, is amended to add paragraph N as follows:

- 26 N. Environmental documents shall be forwarded electronically by the CITY to the  
27 DISTRICT. DISTRICT shall make a good faith effort to review and provide comments  
28 to CITY within two weeks of the date the document is received by DISTRICT for those

1 marked "RUSH" by the CITY. DISTRICT shall not impose fees for the review of  
2 environmental documents by DISTRICT for CITY.

3 **IV. CONFLICT OF PROVISIONS**

4 In the event the provisions in this Amendment Number Two conflict with the provisions  
5 in the Agreement, as previously amended, the terms of this Amendment Number Two shall  
6 take precedence and supersede the conflicting terms of the Agreement or any prior  
7 amendment. Otherwise, all other Terms and Conditions of the Agreement, as previously  
8 amended, shall remain in full force and effect.

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1 IN WITNESS WHEREOF, the City of La Habra has caused this Amendment Number Two  
2 to the Agreement for Services to be executed by its duly authorized officer; and the Board of  
3 Supervisors of the County of Los Angeles, as the governing body of the Consolidated Fire  
4 Protection District of Los Angeles County, has caused this Amendment Number Two to the  
5 Agreement for Services to be executed by its Chairman and attested by its Clerk on the day,  
6 month, and year noted herein below.

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8 CITY OF LA HABRA

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10  
11 By [Signature]

12 Mayor

CONSOLIDATED FIRE PROTECTION  
DISTRICT OF LOS ANGELES COUNTY

By [Signature]

Mayor, Board of Supervisors

13  
14  
15 ATTEST:

16  
17  
18  
19 By [Signature]

20 City Clerk

ATTEST:

PATRICK OGAWA, Acting Executive Officer  
Clerk of the Board of Supervisors

By [Signature]

Deputy

21  
22 APPROVED AS TO FORM:

23  
24  
25 By [Signature]

26 City Attorney

APPROVED AS TO FORM:

MARK SALADINO  
County Counsel

By [Signature]

Deputy hereby certify that pursuant to  
Section 25103 of the Government Code,  
delivery of this document has been made.

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28  
**ADOPTED**  
BOARD OF SUPERVISORS  
COUNTY OF LOS ANGELES

F:\La Habra\Agreement Amendment No 2 (Agmt) for Services (Consolidated Fire Protection District of LA) docx (9-23-2014)

36

DEC 09 2014

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[Signature]  
PATRICK OGAWA  
ACTING EXECUTIVE OFFICER

By [Signature]

Deputy



75188 SUPPLEMENT 2